

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

THOMAS JAMES NEWMAN,

Defendant.

CR 21–110–BLG–DLC

ORDER

United States Magistrate Judge Timothy J. Cavan entered Findings and Recommendation in this matter on May 3, 2022. (Doc. 28.) Neither party objected and therefore they are not entitled to *de novo* review. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). This Court will review the Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Judge Cavan recommends that this Court accept Newman’s guilty plea after he appeared before him pursuant to Rule 11 of the Federal Rules of Criminal Procedure and entered a guilty plea to one count of being a prohibited person in

possession of a firearm and ammunition, in violation of 18 U.S.C. § 922(g)(1).

Reviewing for clear error, the Court finds none.

Accordingly, IT IS ORDERED that Judge Cavan's Findings and Recommendation (Doc. 28) is ADOPTED in full.

IT IS FURTHER ORDERED that Newman's motion to change plea (Doc. 21) is GRANTED and Newman is adjudged guilty as charged in the Indictment.

DATED this 25th day of May, 2022.



Dana L. Christensen, District Judge
United States District Court